

REMARKS

This application has been carefully reviewed in light of the Office Action mailed March 3, 2004. Claims 1-20 are pending in the Application. Claims 1, 2, 4-10, 12-17, and 20 are allowed. Claims 3, 11, 18 and 19 stand rejected. Claim 18 has been amended. Applicant respectfully requests reconsideration and favorable action of all pending claims in view of the following remarks.

Section 112 Rejections

The Office Action rejects Claims 3 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicant regards as the invention. In particular, the Office Action states: “[i]n dependent Claim 3 and in dependent Claim 11, the use of the term ‘speech signals’ is indefinite and unclear in the context of either a method of distinguishing targets from clutter (Claim 1) or an apparatus to classify targets (Claim 9). It is unclear how ‘speech signals’ could have anything to do with either of these.” But the application describes in the Summary of the Invention section that both a method for distinguishing targets from background clutter and a classification system are provided that are applicable to speech samples, as well as, among others, digital infrared imaging, digital TV imaging, and radar samples. Given the description of the use of speech samples in the specification as one type of data that a method for distinguishing targets or a classification system acts upon, Applicant respectfully submits that the above Section 112, paragraph 2 rejection is improper. Reconsideration and favorable action are requested.

Allowable Subject Matter

Applicant appreciates the indication at paragraph 2 of the Office Action that Claims 1, 2, 4-10, 12-17, and 20 are allowed over the prior art of record.

Section 101 Rejections

The Office Action rejects Claims 18 and 19 under 35 U.S.C. § 101 alleging that the claimed invention is directed to non-statutory subject matter. In particular, the Office Action states that “[p]articularly, Claim 18 is directed to software per se and fails to recite a medium on which the software resides or a computer on which the software is running.” Applicant

has amended Claim 18 to recite a medium on which the software resides. Favorable action is requested.

CONCLUSION

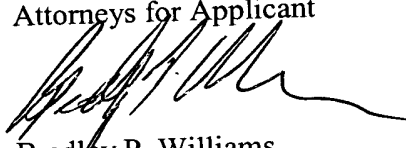
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge any required fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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